

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARIO SEARS,

Plaintiff,

vs.

GLEN WHORTON, et al.,

Defendants.

2:06-cv-00114-RCJ-PAL

**REPORT OF FINDINGS AND  
RECOMMENDATION**


Plaintiff Mario Sears is proceeding in this action *pro se*. This matter is before the court on Sears' failure to comply with the court's order (#11) to provide the court with his current address as required by Local Rule LSR 2-2. This matter was referred to the undersigned pursuant to LR 1B 1-4 and 28 U.S.C. § 636(b)(1)(B). The court makes the following findings:

1. Sears submitted an Application to Proceed *in Forma Pauperis* (#1) and a Civil Rights Complaint on January 30, 2006. He stated in the Application that he was in the custody of High Desert State Prison.
2. On March 20, 2006, the court ordered (#2) Sears to submit another Application to Proceed *in Forma Pauperis* because Sears' first Application (#1) was incomplete.
3. Sears filed a second Application to proceed *in Forma Pauperis* (#3) on May 4, 2006, which the court granted in an order (#4) entered June 22, 2006.
4. On August 23, 2006, Sears filed a Notice of Change of Address (#5), informing the court that his new address was at Ely State Prison.
5. The court screened the Complaint (#1-2) in an order (#7) entered February 15, 2008. The court ordered the Clerk of the Court to file the Complaint. However, the court's order (#7) was returned from Ely State Prison as undeliverable as to Sears with the notation that



1 Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations  
2 of a magistrate judge shall file and serve specific written objections together with points and authorities  
3 in support of those objections, within ten (10) days of the date of service of the findings and  
4 recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and  
5 Recommendations." The parties are advised that failure to file objections within the specified time may  
6 waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).  
7 The points and authorities filed in support of the specific written objections are subject to the page  
8 limitations found in LR 7-4.

9 Dated this 10th day of April, 2008.

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12 PEGGY A. LEEN  
13 UNITED STATES MAGISTRATE JUDGE  
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